

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO. 1:12 CR 177
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
JEFFREY REICHERT,	)	MEMORANDUM OPINION
	)	AND ORDER
Defendant.	)	


This matter comes before the Court upon Defendant, Jeffrey Reichert's Motion to Impose Alternative Sentence. (ECF #61). The Government filed a Response opposing Mr. Reichert's motion. (ECF #62). Defendant was originally sentenced to a term of twelve months and one day for his underlying conviction, to be followed by two years of supervised release.

At Mr. Reichert's sentencing the Court granted him a two level downward departure, which reduced his sentencing guideline range from 15-21 months to a range of 10-16 months. In granting this departure, the Court took into account all of the facts and circumstances of the case, the nature of the charges, and the relevant characteristics of the defendant in order to arrive at a sentence that was sufficient, but not greater than necessary, to meet the ends of justice. Mr. Reichert's motion does not meet the requirements for a sentence correction under Fed.R.Crim P. 35(c) for the reasons set forth in the Government's opposition.

Further, none of the circumstances set forth in Mr. Reichert's current motion substantively alter any of the factors that contributed the Court's determination of his original

sentence. Mr. Reichert already received a significant departure from his original sentencing guideline range, and there is no legal or factual basis for altering the sentence at this time. The existing sentence remains fair and just under all of the circumstances.

For the reasons set forth above, the Defendant's Motion, (ECF #61), is DENIED. IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: April 9, 2013